SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4373 /2005

SERVICE MATTER

PETITIONER : Lalit Kumar Jangade
Aged about 34 years
Panchayat Karmi (Secretary)
S/o. Anjor Das, R/o. Gram Panchayat
Bhaisbod, Tahsil Bilha, District
Bilaspur (C.G.)

P.R. No. 4513/05
Presented by Shri B.L. Dewangan
dated 31/8/05

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : The Secretary
Panchayat Department
D.K.S.Bhawan, Raipur (C.G.)

2. Gram Panchayat Bhaisbod
Through : Sarpanch
Gram Panchayat Bhaisbod
Tahsil Bilha, Dist. Bilaspur (C.G.)

3. Sub-Divisional Officer (R)
Bilaspur, Dist. Bilaspur (C.G.)

4. Additional Collector
Bilaspur, Dist. Bilaspur (C.G.)

5. Dr. Prasad
Additional Collector
Bilaspur, Dist. Bilaspur (C.G.)

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA

03/9/05

(24)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P..4373..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6.10.2005

W.P.No.4373/2005

Shri B. L. Dembra, counsel for the petitioner.

Shri P.S.Koshy, Deputy Advocate General for the State/respondents No. 1 to 4 on advance copy.

Heard.

The petitioner namely Lalit Kumar Jangade was working as Secretary of Gram Panchyat, Bhaisbod, Tehsil Bilha, District-Bilaspur. He was removed by the Gram Panchayat vide order, Annexure P-4. Against the aforesaid order, passed in the month of April 2005, the petitioner preferred an appeal before the Sub Divisional Officer. The said appeal was registered as Revenue Appeal (Panchayat) No.5/89(A) 15/2004-05. The aforesaid appeal was allowed by the S.D.O. vide his order dated 4.8.2005(Annexure P-5). Against the aforesaid order passed by the S.D.O., the Gram Panchayat preferred another appeal before the Collector vide appeal No. 49/A-89(15)2004-05. This appeal was taken up for hearing on 31.8.2005 and the learned Additional Collector, on the said date passed the impugned order of admission of appeal and he also passed an interim order of stay.

Learned counsel for the petitioner submits that due to passing of this order of stay, the petitioner could not join on the post of

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Secretary and the appeal is pending for hearing before the Additional Collector. He also submits that the Collector is having no authority to entertain an appeal against the appellate order passed by the S.D.O.

The order sheet reveals that the appeal was fixed for hearing on 8.9.2005.

Learned counsel for the petitioner submits that on 8.9.2005, the appeal was not heard and it has been adjourned for some other date.

Since the point of jurisdiction has been raised by the learned counsel for the petitioner, in a pending statutory appeal filed under the Rules framed in Panchayat Raj Adhiniyam, 1993, I am not inclined to interfere on the said point in my writ jurisdiction. The point of jurisdiction of the particular authority can be raised before the said authority and it is needless to say that if the same is raised, the authority is obliged to decide the point.

In the facts and circumstances of the case, I hereby direct that the hearing of the appeal itself be expedited within a period of one month from the date of production of certified copy of this order before the Additional Collector and the Additional Collector, alongwith other points raised by the appellant and the respondents shall also decide the point of jurisdiction to hear the appeal by him.

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	With the aforesaid observations this petition stands finally disposed of. Consequently, M.W.P.No.3558/2005 and I.A.No.7917/2005 also stand disposed of. Certified copy as per rules. Sd/- Sunil Kumar Sinha Judge	

Sunita

SP/FS/2005 - 20,000

19/10/05